

STATE OF INDIANA

EXECUTIVE DEPARTMENT

INDIANAPOLIS

05-14

EXECUTIVE ORDER

FOR: PROVIDING A COMPLAINT PROCEDURE TO STATE EMPLOYEES AND
RESCINDING CERTAIN PRIOR EXECUTIVE ORDERS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, state employees should have available a complaint and hearing process for contested disciplinary actions; and

WHEREAS, the State must move forward with meaningful reforms, including improvements in the State's personnel system, while acknowledging the right of state employees to voluntarily belong to a union;

NOW, THEREFORE, I, **Mitchell E. Daniels, Jr.**, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The following complaint procedure is established:
 - a. An employee of the non-merit service, as defined in 31 IAC 1-1-1, who:
 - i. Does not have standing to file a complaint under a statute or rule,
 - ii. Has at least six (6) months of continuous full-time or twelve (12) months of continuous part-time employment,
 - iii. Is not classified in the ESM or SAM/PAT job categories, and
 - iv. Is not employed on a temporary or intermittent basismay file a complaint concerning the employee's dismissal, demotion, or suspension without pay.
 - b. The complaint must be filed in writing with the State Employees Appeals Commission, within thirty (30) calendar days from the date the employee receives notice of the disciplinary action.
 - c. The State Employees Appeals Commission will determine whether the suspension, demotion, or dismissal was based on inadequate performance or inappropriate behavior.
 - d. Determinations by the State Employee Appeals Commission are subject to judicial review in accordance with the Administrative Orders and Procedures Act.
2. Executive Orders 90-6, 97-8, and 03-35 are rescinded and declared null and void.
3. Executive Orders 03-44, 03-45, and 04-01, together with all prior Executive Orders approving union Settlements, are rescinded and declared null and void.



IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 11th day of January, 2005.

M E Daniels, Jr.

Mitchell E. Daniels, Jr.
Governor of Indiana

Todd Rokita

ATTEST: Todd Rokita
Secretary of State